

HR Weekly Podcast

06/28/07

Today is June 28, 2007, and welcome to the HR weekly podcast from the State Office of Human Resources. This week's topic concerns the deletion of a proviso from the 2007-2008 Appropriation Bill which relates to exemptions from the State Employee Grievance Procedure Act and was included in the last four Appropriation Acts.

Previous provisos exempted certain employees in constitutional offices and cabinet agencies from provisions of the Grievance Act. Specifically, in the constitutional offices, all employees who reported directly to the agency head or reported directly to a person who reported to the agency head no longer had grievance rights. In addition, management employees within the cabinet agencies having a similar reporting structure as the constitutional offices were also exempt from the Grievance Act.

The 2007-2008 Appropriation Bill, however, does not include a proviso exempting these employees. This deletion means that these employees, who were once exempt from the Grievance Act under the previous provisos because of their reporting structure, will no longer be exempt. Nevertheless, a separate proviso does remain in the 2007-2008 Appropriation Bill that continues to exempt from the Grievance Act those employees who report directly to the Lieutenant Governor.

Typically, when an employee moves from an uncovered position without grievance rights to a covered position with grievance rights, the employee must successfully complete a probationary period before attaining grievance rights. Therefore, employees in positions previously affected by the proviso, with the exception of those employees in the Office of Lieutenant Governor still exempted by proviso, will be required to serve a 12-month probationary period to become a covered employee with grievance rights. The 12-month probationary period for these employees will run from July 1, 2007, through June 30, 2008. Also, remember that the State Human Resources Regulations allow agency heads, under certain circumstances, to count up to six months of prior state service toward the completion of a probationary period.

In addition, some employees who were exempted by the previous provisos may also be exempted by the language in the Grievance Act. Those employees will not be affected by the deletion of the proviso and would still be considered exempt from the provisions of the Grievance Act. For example, the exemptions from the Grievance Act include deputy directors of restructured agencies.

Today, agency heads and human resources directors should receive a memorandum regarding the deletion of the proviso from the 2007-2008 Appropriation Bill. This memorandum includes a list of issues that agencies should consider related to this change. The memorandum also includes suggestions to assist agencies concerning issues such as communicating this change to the affected employees, updating agency organizational charts, properly identifying on HRIS those employees affected, and any implications regarding EPMS or Grievance policies.

If you need additional information or have any questions, please call your Human Resources Consultant at 737-0900.

Thank you.